

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JULIAN A. MILLER,

Plaintiff,

v.

STANLEY TAYLOR, individually and in his
official capacity as Commissioner of the Delaware
Department of Correction; THOMAS CARROLL,
individually and in his official capacity as Warden
of the Delaware Correctional Center at Smyrna;
DR. ALIE, individually and in her official capacity
as Medical Director at DCC Smyrna; RN IHOMA,
individually and in her official capacity as
Registered Nurse at DCC Smyrna,

Defendants.

C.A. No. 04-1367-KAJ

**PLAINTIFF JULIAN MILLER'S MOTION
TO EXTEND THE TIME TO FILE AN AFFIDAVIT OF MERIT**

Plaintiff Julian A. Miller (hereinafter referred to as "Plaintiff Miller"), pursuant to 18 Del. C. § 6853, hereby moves for a second 60-day extension to file an affidavit of merit with respect to the medical negligence claim in the proposed second amended complaint. Counsel for Plaintiff Miller has left the firm for Fish & Richardson P.C. to work as an engineer in New Castle, Delaware. Counsel for Plaintiff is in the process of providing the appropriate notice to all parties and his client pursuant to L.R. 83.7. Accordingly, Plaintiff Miller respectfully requests a 60-day extension for the filing of the Affidavit of Merit.

Counsel for Defendants have been contacted regarding this motion. Defendants Taylor and Carroll have no objection to this motion. As of the filing of this motion, counsel for Defendant Dr. Sitta Gombah-Alie had not responded to voice mails seeking their position.

By: Sean P. Hayes / by Thomas L. Halkowski
Sean P. Hayes (I.D. No. 4413) (#4099)
919 N. Market Street, Suite 1100
P.O. Box 1114
Wilmington, DE 19899-1114
(302) 652-5070

Attorney for Plaintiff
Julian A. Miller

Dated: October 20, 2006
80038283.doc

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2006, I electronically filed with the Clerk of Court this PLAINTIFF JULIAN MILLER'S MOTION TO EXTEND THE TIME TO FILE AN AFFIDAVIT OF MERIT using CM/ECF which will send electronic notification of such filing(s) to the following Delaware counsel at the addresses below. In addition, copies were delivered to the addresses below in the manner indicated.

BY HAND

Dana Spring Monzo (I.D. No. 4605)
1225 N. King Street
Suite 1100
Wilmington, DE 19899-0397
302-655-6749
dmonzo@mccmck.com

*Attorney for Defendant
Dr. Sitta B. Gombah-Alie*

BY HAND

Stephani J. Ballard (I.D. No. 3481)
Department of Justice
820 N. French Street
6th Floor
Wilmington, DE 19801
(302) 577-8400
stephani.ballard@state.de.us

*Attorney for Defendants
Stanley Taylor and Thomas Carroll*

BY CERTIFIED MAIL

Justin A. Miller
468 Country Drive
Apartment D
Dover, DE 19901


Sean P. Hayes (4099)